

Village of Canal Winchester 36 South High Street Canal Winchester, Ohio 43110-1213

Village Council Monday, August 4, 2008 7:00 PM

Minutes

Call to Order:

Mr. Deeds called the meeting to order at 6:59pm

Pledge of Allegiance:

Mrs. Mershon led the Pledge of Allegiance

Roll Call:

John Bender

Rick Deeds

Bruce Jarvis

Bobbie Mershon

Victor Paini

Marilyn Rush-Ekelberry

Leah Turner

Approval of Minutes:

Mrs. Rush-Ekelberry moved to approve the minutes from the July 21st, 2008 meeting. Mrs. Turner seconded the motion.

VOTE:

AYES Mr. Deeds, Mrs. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Dr. Bender abstained. Motion carried.

Communications & Petitions:

A thank you letter and summary of event was received from Adventures for Wish Kids.

A letter from Columbia Gas was received detailing ways residents can prepare for the winter heating season and higher gas costs.

Village Residents Comments:

Jeffery Bond, of 146 Washington Street Apt C, spoke in regards to apartment complexes. He believes that a 120 unit apartment complex is the wrong way to go. He envisions apartments over storefronts or garage apartments. There are many issues with just the four apartments on Washington Street down from 36 S Washington. There would be many more with 120 apartments. The apartments would allow people of a certain income to rent and keep out people with higher incomes... bringing a bad mix of events. He asks that Council come up with a better solution.

Office: (614) 837-7493 Fax: (614) 837-0145

ORDINANCES:

FIRST Reading

Sponsor: Mr. Paini

AN ORDINANCE TO REPLACE CHAPTERS 1101 THROUGH 1129 PLUS O-08-08A

APPENDICES A, B, C, D AND E INCLUSIVE OF THE CODIFIED ORDINANCES BY

ADOPTING NEW SUBDIVISION REGULATIONS

Mr. Paini read the ordinance. First reading only.

Sponsor: Mrs. Mershon

AN ORDINANCE TO ADOPT THE STORMWATER DESIGN MANUAL O-08-08B

Mrs. Mershon read the ordinance. First reading only.

Sponsor: Mrs. Mershon

AN ORDINANCE TO AMEND CHAPTER 1175 OF THE CODIFIED ORDINANCES BY O-08-08C

ADOPTING THE STREAM CORRIDOR PROTECTION POLICY AND STREAM

CORRIDOR PROTECTION ZONE

Mrs. Mershon read the ordinance. First reading only.

Sponsor:

Mrs. Mershon

O-08-08D

AN ORDINANCE TO AMEND THE APPROPRIATION ORDINANCE 77-07

AMENDMENT #2

Mrs. Mershon read the ordinance. \$12,000 in County taxes, \$25,000 technology over budget,

\$66,000 for legal fees regarding the bike path, \$2,605,954 for Diley Road which will be reimbursed with the assessment plan and the street fuel costs have increased by

\$10,000. First reading only.

Sponsor:

Mr. Paini

O-08-08E

AN ORDINANCE TO UPDATE THE FEES TO BE ASSESSED FOR THE CANAL

WINCHESTER MAYORS COURT.

Mr. Paini read the ordinance. First reading only.

Sponsor: Mr. Paini

O-08-08F

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT

WITH HD SUPPLY FOR THE PURCHASE OF A VEHICLE MOBILE UNIT READER

PACKAGE AND DECLARING AN EMERGENCY

Mr. Paini read the ordinance and moved that the rules are suspended. Mr. Deeds seconded the motion. This emergency is to meet a deadline for a quoted price.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Mr. Paini moved to adopt Ordinance 36-08. Dr. Bender seconded the motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Sponsor: Mrs. Turner

O-08-08G

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH FOURNIER INDUSTRIES, INC. FOR THE PURCHASE OF A MODEL 4(6)-900/6000CV ROTARY PRESS AND APPURTENANCES AND DECLARING AN EMERGENCY

Mrs. Turner read the ordinance and moved that the rules for 2nd and 3rd readings be suspended. This is to meet a 30 purchase order price. Mr. Jarvis seconded the motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Mrs. Turner moved to adopt Ordinance 37-08. Seconded my Mrs. Mershon.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

SECOND Reading

Sponsor: Mr. Deeds

O-07-08D

AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$2,280,000 IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS FOR THE PURPOSE OF THE IMPROVEMENT, CONSTRUCTION, AND RECONSTRUCTION OF DILEY ROAD, BEGINNING AT THE LIMITED ACCESS RIGHT-OF-WAY APPROXIMATELY 1,030 FEET NORTH OF THE INTERSECTION OF DILEY ROAD ON U.S. 33, THENCE NORTH APPROXIMATELY 5,000 FEET, INCLUDING TWO EXISTING INTERSECTIONS AND TWO NEW INTERSECTIONS, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO; AUTHORIZING A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS, AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF APPROPRIATE, IN CONNECTION THEREWITH; APPROVING AN OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE; AND DECLARING AN EMERGENCY.

Mr. Deeds read the ordinance. Second reading only.

Sponsor: Mr. Deeds

O-07-08E

AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$3,095,000 FOR THE PURPOSE OF ADVANCE REFUNDING A PORTION OF THE BONDS ISSUED IN 1999 FOR VARIOUS MUNICIPAL PURPOSES AS SET FORTH IN ORDINANCE NO. 20-99 ADOPTED BY THE VILLAGE OF CANAL WINCHESTER, OHIO ON MAY 3, 1999; AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS, AUTHORIZING AN ESCROW AGREEMENT IN CONNECTION WITH THE BONDS; APPROVING AN OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF APPROPRIATE, IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

Mr. Deeds read the ordinance. Second reading only.

Sponsor: Mr. Deeds

O-07-08F

AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$425,000 FOR THE PURPOSE OF CURRENTLY REFUNDING A PORTION OF THE BONDS ISSUED IN 1993 FOR VARIOUS MUNICIPAL PURPOSES AS SET FORTH IN ORDINANCE NOS. 21-93, 22-93 ADOPTED BY THE VILLAGE OF CANAL WINCHESTER, OHIO ON FEBRUARY 15, 1993 AND AMENDING ORDINANCE NOS. 88-93 AND 89-93 ADOPTED JULY 12, 1993; AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS, AUTHORIZING AN ESCROW AGREEMENT IN CONNECTION WITH THE BONDS; APPROVING AN OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF APPROPRIATE, IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

Mr. Deeds read the ordinance. Second reading only.

Sponsor: Mr. Deeds

O-07-08G

AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$1,040,000 FOR THE PURPOSE OF THE ACQUISITION OF LAND AND INTERESTS IN LAND FOR PARKS AND RECREATIONAL PURPOSES AND ALL APPURTENANCES THEREFORE; AUTHORIZING A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS, AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF APPROPRIATE, IN CONNECTION THEREWITH; APPROVING AN OFFICIAL STATEMENT IN CONNECTION WITH THE SALE OF THE BONDS; AND DECLARING AN EMERGENCY.

Mr. Deeds read the ordinance. Second reading only.

Sponsor: Mrs. Rush-Ekelberry

O-07-08H

AN ORDINANCE AUTHORIZING THE MAYOR AND FINANCE DIRECTOR/CLERK OF COUNCIL TO ACCEPT AND EXECUTE THE PARKVIEW DRIVE AND EASEMENTS PLAT

Mrs. Rush-Ekelberry read the ordinance. Second reading only.

Sponsor: Mrs. Mershon

O-07-08J

TO REPEAL THE FOLLOWING ORDINANCES #48-04, #7-02 AND #22-91 REGARDING ZONING FEES, #47-06, #69-04 AND #128-96 REGARDING BUILDING FEES, #24-07, #63-05, #49-05 AND #122-97 REGARDING WATER SYSTEM AND FIRE PROTECTION CAPACITY FEES, AND #25-07 AND #48-05 REGARDING SANITARY SEWER SYSTEM CAPACITY FEES AND ADOPTING A COMBINED DEVELOPMENT FEE SCHEDULE

Mrs. Mershon read the ordinance. Second reading only.

Sponsor: Mrs. Mershon

ORDINANCE TO AMEND ORDINANCE NO. 73-07 TO INCLUDE CERTAIN O-07-08K

ADDITIONAL PARCELS OF REAL PROPERTY IN THE DILEY ROAD TIF AREA SO THAT THOSE PARCELS WILL BE SUBJECT TO THE TAX EXEMPTION GRANTED IN, AND THE RELATED REQUIREMENT TO MAKE SERVICE PAYMENTS SET FORTH IN, THAT ORDINANCE, TO AUTHORIZE THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT, AND TO DECLARE AN EMERGENCY.

Mrs. Mershon read the ordinance. Second reading only.

THIRD Reading

Sponsor: Mr. Jarvis

O-07-08A

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE

CODIFIED ORDINANCES OF CANAL WINCHESTER, OHIO

Mr. Jarvis read the ordinance and moved to adopt Ordinance 38-08. Mrs. Mershon seconded the motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

RESOLUTIONS

FIRST Reading

Sponsor:

R-08-08A

Mr. Jarvis A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE

EXPECTATION OF THE VILLAGE OF CANAL WINCHESTER ON BEHALF OF THE STATE OF OHIO (THE BORROWER) TO REIMBURSE ITS GENERAL FUND OR ISSUE 2 FUND FOR THE THRUSH DRIVE RECONSTRUCTION PHASE 2 - CC06L

WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO.

Mr. Jarvis read the resolution. First reading only. This spells out that the State will reimburse the Village of Canal Winchester, some of the costs incurred on this project.

THIRD Reading

Sponsor: Mr. Paini

A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE TAX INCENTIVE R-07-08A

REVIEW COUNCIL FOR THE FAIRFIELD COUNTY TAX ABATEMENT AREAS

WITHIN THE VILLAGE OF CANAL WINCHESTER

Mr. Paini read the resolution and moved to adopt Resolution 08-08. Mrs. Mershon seconded the

motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Sponsor: Mr. Jarvis

R-07-08B A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE TAX INCENTIVE

REVIEW COUNCIL FOR THE FRANKLIN COUNTY TAX ABATEMENT AREAS

WITHIN THE VILLAGE OF CANAL WINCHESTER

Mr. Jarvis read the resolution and moved to adopt Resolution 09-08. Dr. Bender seconded the motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Sponsor Mrs. Rush-Ekelberry

R-07-08C

A RESOLUTION AUTHORIZING THE LABOR DAY FESTIVAL COMMITTEE TO

OPERATE THE ANNUAL "CANAL WINCHESTER LABOR DAY FESTIVAL" ON THE VARIOUS STREETS AND SIDEWALKS OF THE VILLAGE OF CANAL WINCHESTER

Mrs. Rush-Ekelberry read the resolution and moved to adopt Resolution 10-08. Mrs. Mershon seconded the motion.

Dr. Bender asked if this was allowing the Beer Garden. Mrs. Rush-Ekelberry stated that it did not have anything to do with the beer garden.

There was discussion as to whether Council will even have a vote in the matter of allowing the beer garden.

Mr. Hanlon, of the Labor Day Committee was asked by Dr. Bender why the committee is going forth with the Beer Garden . Mr. Hanlon stated that Kingy's has graciously offered to donate all of the profits back to the Labor Day Committee. This has been done in other communities and they have had no problems. We will have two deputies on site, one inside and one outside, at all times for securities.

Mr. Paini asked what happens to the money that goes into the Labor Day fund. Mr. Hanlon stated it goes into improvements of the stage, etc. Each year the Festival costs about \$37,000 to \$40,000 and they seem to break even. There is a \$10,000 slush fund, but it doesn't grow year to year. This will help to fund many improvements.

Dr. Bender asked if they would evaluate the success after this year to decide if it would happen again next year. Mr. Hanlon stated that it would be a test-run for the Village.

Dr. Bender asked who was going to help out with the parade this year. Mr. Hanlon stated that the Lions Club was not volunteering, but the Rickenbacker Backer's, along with some Honda employees and TSTrim employees will be helping.

Mrs. Turner added that the Village of Canal Winchester is not paying for the Deputies at the Beer Garden. Mr. Hanlon agreed that it is totally privately funded. Kingy's, Bolenbaugh's and the Labor Day Committee all have insurance to cover the Beer Garden.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Sponsor: Mr. Paini

R-07-08D A RESOLUTION REAUTHORIZING AN AGREEMENT BETWEEN THE VILLAGE OF

CANAL WINCHESTER AND THE BOARD OF COUNTY COMMISSIONERS, FRANKLIN COUNTY, OHIO ON BEHALF OF THE VILLAGE OF CANAL

WINCHESTER IN ORDER TO PARTICIPATE IN THE FRANKLIN COUNTY, OHIO DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD) ENTITLEMENT PROGRAM AND ABIDE BY THE COVENANTS OF THAT PROGRAM AS STATED

HEREIN

Mr. Paini read the resolution and moved to adopt Resolution 11-08. Mrs. Mershon seconded the motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Mayor's Report:

Mr. Jarvis moved to accept the Mayor's Court Report for June 2008. Mrs. Mershon seconded the motion.

VOTE: AYES Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Public Works Director:

See written report.

Development Director:

Mr. Strayer stated that he has been working with CWICC and Manifold & Phalor to relocate into the industrial park bringing 30 jobs into a 30,000 sq foot facility. He is pleased to have that moving through the process.

A Taste of Canal Winchester will be on August 23rd from 2-6pm in the Wal-Mart parking lot. 15 vendors will be there. Council is encouraged to attend. Admission is \$10 for adults and \$5 for 13 and under. The vendors will either have samplings or full meals available. There will be entertainment and Gym Extreme will come and do gymnastics performance.

KCDG and the hospital are in Planning Commission at this point.

Community Affairs Director:

Mrs. Hoover stated that Music and Art in the Park is next Friday, August 15th. It is a beach theme this time. Everyone is encouraged to attend.

Village Solicitor:

Mr. Hollins requested a quick executive session to discuss acquisition of real property.

Fairfield County Sheriff:

Sgt. Kern noted that there was a rash of vandalisms in Ashbrook Village, including car windows broken and mailboxes damaged.

Sqt. Kern read the report.

Finance Director:

Ms. Osborn wanted to work out a joint meeting with Planning and Zoning Commission to discuss proposed development at the SE corner of Busey and Diley. That issue goes before P&Z on August 11th, so Ms. Osborn was hoping to schedule the meeting for Thursday, August 7th from 5:30-6:30pm at 10 N. High.

Council agreed to this date.

See written report for additional Finance information.

Council Reports:

Old Town Committee

Monday, August 11, 2008 at 5:45 PM

Finance Committee

Tuesday, September 2, 2008 at 5:45 PM

Mayor's Court costs will be discussed at the next meeting.

BWC premium audit is coming as well.

Service Committee

Monday, August 18, 2008 at 5:45 PM

Safety Committee

Monday, August 11, 2008 at 5:00 PM

Public Hearing

Monday, August 18, 2008 6:45 PM

(Subdivision Regulations Update - Stream Corridor Protection - Stormwater Manual)

New Business:

Mr. Jarvis stated that an application for grant money from CW Human Services organizations was received and at the time there were questions as to the use of the money. The Finance Committee has gotten more information and has come up with a recommendation. The recommendation was to grant the request in full, for \$14,000, with the restriction that it be spent only on programs. Also, it is recommended that Ms. Osborn be the administrator of the grant money and it would be granted on a case by case basis by request.

Mrs. Turner asked if that money was to come out of the General Fund. Mr. Jarvis stated that it would indeed come from the General Fund, as it is more than is available in the Bed Tax fund.

Mrs. Mershon stated that money from the Village shouldn't go toward the Director's salary, but other programs are worthy recipients.

Mr. Jarvis moved to approve the request of CW Human Services with the above-mentioned restrictions. Mr. Paini seconded the motion.

Ms. Osborn stated that she will have to amend an appropriations ordinance to cover this, so there will be an ordinance at the next meeting.

Dr. Bender asked how the salary of the director will be addressed. Mr. Jarvis stated that their administrative overhead is above 50% and that is high for a charitable organization. Therefore, this solution gives a certain level of comfort to the Finance Committee about how their money will be spent.

Dr. Bender noted that last year we gave the organization \$14,000 to support her, but this year we are not. That is a hard thing for them.

Mr. Jarvis noted again that there didn't seem to be a check and balance on where and how the money was spent.

Dr. Bender doesn't believe that she should have to get her salary from grants and they should look into it.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Old Business:

None at this time.

Adjourn to Executive Session:

Dr. Bender moved to adjourn to Executive session for the purposes of land acquisition at 7:56pm. Mrs. Turner seconded the motion.

VOTE:

AYES Dr. Bender, Mr. Deeds, Mrs. Mershon, Mr. Paini,

Ms. Rush-Ekelberry, Mrs. Turner

NAYS

Motion carried.

Returned from Executive session at 8:22pm

Adjournment:

Mr. Paini moved to adjourn the meeting. Mr. Deeds seconded the motion.

Time out: 8:23pm

Clerk of Council

(lugest 18, 2008

Date

President of Council

Mayor

NOTE: The minutes set forth herein are an extract of the Council meetings. Anyone desiring a transcript of the complete minutes of the Council meeting may obtain the same at a cost of \$10.00 per page.